

Response to Metropolitan Water District of Orem:

1. The plan emphasizes the operation of Utah Lake in conjunction with other storage reservoirs in the drainage since we perceive distribution of storage waters as the most difficult issue facing the entire system in the future. We believe the plan has something to offer all storage water facilities, since it allows water to be stored upstream during critical periods, before it is known if the senior rights in Utah Lake will be satisfied.

2. The dead storage in Utah Lake is a function of the natural setting in which the Lake was created and has been used by man. Our intent in the present proposal was merely to ascertain the parameters under which Utah Lake at present is able to operate and work within those parameters. If you have information which indicates other parameters are appropriate we encourage you to submit it.

3. We recognize the District as well as many other users rely on storage rights junior to Utah Lake. We expect the trend for dependence on upper drainage storage to increase with time. However, the junior rights must not be satisfied at the expense of the senior rights in Utah Lake. We anticipate the proposed plan will have little or no effect on Deer Creek Reservoir as it has historically operated.

4. Water stored in upstream reservoirs under the proposal would be converted from "system storage" to "priority storage" from the

earliest rights to the latest. For example if water was stored in Deer Creek, Jordanelle and headwater reservoirs, the headwater reservoirs would be eligible to convert first, Deer Creek second, and Jordanelle last according to their respective priority dates. This point will be further clarified in the next revision of the distribution plan document.

5. Suggested priority dates for Provo River Decreed rights are not included in the plan since the dates ultimately can only be fixed by decree. Item 8 was included in the written proposal to emphasize the importance of establishing a priority system for the entire drainage, not to indicate the Division will attempt to modify the existing decree without due process. The Division will require priority dates as part of the water user claim process for the ongoing adjudication and may make recommendations on priority dates as part of the process, but the final decision will rest with the court.

6. We agree the items in part III are important and deserve additional clarification. They were included in the Distribution plan document primarily to encourage discussion among the users, since their successful implementation will require cooperation and agreement on the part of the users. We anticipate the next revision of the plan will provide additional detail on each of these items.

FILENAME: BYDRSPNS.UTL